

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CIVIL NO.	16-837
)		
)		
v.)		
)		
JOHN CHARLES KENNEY,)		
)		
Defendant,)		
)		

MEMORANDUM OPINION

CONTI, Chief District Judge.

Defendant John Charles Kenney (“Kenney”) filed a pro se motion for Writ of Audita Querela/House Arrest. (ECF No. 13).¹ The court will deny the motion without prejudice, without the necessity of a response from the government.

Kenney is now serving a sentence of imprisonment in Criminal Case No. 91-138. He filed a pro se § 2255 motion to correct his sentence at that case and Civil No. 16-837, challenging his designation as a career offender. Assistant federal public defender Renee Pietropaolo entered her appearance as Kenney’s attorney of record on June 16, 2016 and subsequently filed an amended § 2255 motion on his behalf. (ECF No. 6). On January 26, 2018, attorney Pietrapaolo filed an unopposed motion to stay the proceeding pending the Third Circuit Court of Appeals’ decision regarding the constitutionality of the residual clause in the career offender provision of the mandatory sentencing guidelines. The court granted the motion (ECF No. 11) and the case is now stayed.

¹ Because Kenney’s criminal case is maintained in paper copies, all electronic filings are made at Civil No. 16-837.

District courts have the “authority to issue limitations on [defendant’s] pro se filings submitted while represented by counsel.” *United States v. D’Amario*, 256 F. App’x 569, 570 (3d Cir. 2007); *see also McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) (a defendant does not have a constitutional right to “hybrid” representation); *United States v. Turner*, 677 F.3d 570, 579 (3d Cir. 2012) (“except in cases governed by *Anders*, parties represented by counsel may not file pro se briefs.”) (citing *Anders v. California*, 386 U.S. 738 (1967)).

Attorney Pietrapaolo remains attorney of record for Kenney. Kenney, therefore, shall not file pro se motions. Instead, he must consult with his attorney, who will file appropriate motions on Kenney’s behalf in the exercise of her professional judgment.

For the foregoing reasons, defendant’s pro se motion for Writ of Audita Querela/House Arrest. (ECF No. 13) will be **DENIED**.

An appropriate order follows.

August 30, 2018

BY THE COURT:

/s/Joy Flowers Conti
Chief United States District Judge